THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.29926 OF 1995

18.4.2006

Between:

Bulusu Ganapathi Rao, represented by his

General Power of Attorney, Sri K.V.Subba Rao

… Petitioner

AND

The Commissioner of Land Reforms and Urban Ceilings, A.P., Hyderabad

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.29926 OF 1995

ORDER:

The petitioner is the owner of huge extent of land admeasuring about 20,334 Sq. meters comprised in survey Nos.33 to 39 of Guttala Begumpet village. After coming into force of the Urban Land (Ceiling and Regulation) Act, 1976, the petitioner filed a declaration. The same was processed and the petitioner was determined to be holder of surplus vacant land admeasuring 19,234 Sq. meters. The determination became final and after publishing notification under Sections 10(1) and 10(3) of the Act, the competent authority, second respondent herein, directed for subdivision of the property for taking physical possession. At that stage, the petitioner herein filed an application under Section 45 of the Act before the second respondent, which was dismissed by proceedings No.G1/2917/76 dated 22.2.1993. Aggrieved by the same, the petitioner preferred appeal before the first respondent under Section 33 of the Act. By impugned order dated 22.7.1995, the appeal was dismissed by the first respondent. This is assailed in the present writ petition.

Learned Counsel for the petitioner submits that the land of the petitioner

situated at Guttala Begumpet village has the benefit of automatic exemption from the provisions of the Act, in view of the orders of the Government in G.O.Ms.No.733 dated 31.10.1988. According to the learned Counsel, by the said G.O., the Government exempted the land admeasuring upto Acs.5.00 situated in the peripheral area from the purview of the Act and, therefore, without there being any application, the petitioner is entitled to seek exemption. Therefore, the petitioner filed application for rectification of clerical mistake under Section 45 of the Act, which was erroneously rejected by both the authorities.

The appellate authority recorded a finding that Guttala Begumpet village forms part of core area of Hyderabad Urban Agglomeration and, therefore, G.O.Ms.No.733 has no application to the subject land. The term "Urban Agglomeration" is defined by clause (n) of Section 2 of the Act as the area specified in column-1 of Schedule-I and includes peripheral areas specified in column-3 of Schedule-I. Hyderabad Urban Agglomeration with as many as 14 adjoining areas/villages is treated as Urban Agglomeration. Area upto an extent of 5 KMs from the limits of Municipal Corporation are also treated as Urban Agglomeration. There is no material placed before this Court to hold that Guttala Begumpet village is within 5 KMs of peripheral area and not in core area. Therefore, this Court does not find any infirmity in the order of the first respondent. Secondly, the proceedings of the second respondent at the stage of Section 8(4) and Section 9 of the Act, and the proceedings of the Government at the stage of Sections 10(1) and 10(3) of the Act have become final, and they were never challenged by the petitioner. In that view of the matter, this Court does not find any reason to interfere with the impugned order.

The writ petition, for the above reasons, is dismissed without any order as to costs.

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(**V.V.S.RAO, J**)

April 18, 2006

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